

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2356

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2356
2/8/2019
32461

- Subcommittee
 Conference Committee

Committee Clerk Signature : Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to signature discrepancies on absent & mail voters' application & ballots.

Minutes:

Att #1 & #2—Sen. Oban; Att #3—Erica Johnsrud.; Att #4
—Donnell Preskey;

Chairman Davison: Let's open SB2356.

Sen Erin Oban, Dist. 35, Bismarck: I want to explain this bill and why. If you have every voted absentee. When you send in your ballot, the auditor marks it off, that they received it. I encourage my constituent to go and check the status of their absentee ballot with the auditor web site. There were a number of people that their ballots were not counted. This bill gives the voter information on their absentee ballot. I am handing out two papers. (see att #1 & #2) This is a flow chart to see what happened to the absentee ballot from start to finish. Burleigh and Cass county have created a special absentee ballot precinct. The election board is responsible for looking through all the absentee ballots and compare signatures. The signature must match on the application and also on the envelop that the voter puts their ballot into and seals. When I looked on the website, I could see that my ballot had been accepted. When signatures do not match, they are only able to contact a voter if something is missing from the envelop; not if there is a discrepancy in signatures. Prior to this bill, that ballot would be added to all the others and marked as a discrepancy. The election board would have to give to canvassing board after election. The voter has no idea that there is something wrong and may not be counted. I am proposing that the auditor's office would contact the voter, if 7 days before the election, by letter. If it is less than 7 days before the election, they contact the voter by phone. If we amend this bill and add a line asking for an e-mail, we could contact through e-mail as well. They can tell the voter what the options are to fix. Example: I broke my arm after I sent in my application and could not write very well. (7.00) Maybe a husband and wife signed both applications.

Sen. Kristin Roers: So the auditor is responsible to just contact the voter, in your vision?

Sen. Erin Oban: I checked with Secretary of State to get language correct. This is a first effort on this. There are amendments I discussed with SOS and you can decide to move forward or not. (8.22)

Sen. Shawn Vedaa: How often does that happen?

Sen. Erin Oban: Burleigh County had 50 in suspense they call it. Some were resolved, but some were not. Those voters never knew that their vote never counted.

Sen. Shawn Vedaa: Are these ballots opened up or just a signature on the envelope?

Sen. Erin Oban: No, the outer envelopes cannot be opened. It is just a comparison on outer envelope.

Chairman Davison: Every person's vote should count. More in support?

Loren DeWitz, Dist. 8 Chair Republican Party: I like this bill. An issue we have is in the canvassing board is we have four ballots and mon signed all of them. (10.41) We sit there because we know these are legitimate, but this is against the law. 50 ballots in Burleigh County was close. Sometimes you see a signature, and you can't read it at all. I like the idea of notifying the voter to try and fix it.

Vice Chair Meyer: This is neutral testimony, Mr. Chair. I served on a canvassing board. You try and give the benefit of the doubt. If there are certain swirls the same, we accept.

Jim Silrum, Deputy Secretary of State: Yes, we have spent a lot of time with Sen. Oban on getting some amendments together. We want to have all involved, plus the political parties. I would like to clarify a bit. We are asked as an agency all the time. What do we do with the absentee ballot with discrepancies? Our advice is to be consistent. If you do for one, you do for all. Don't be accused of playing games. We think it is right for voters to know if there is something wrong. If you contact one, make sure you contact all. No one can see how anyone voted. The process is separated so that the tabulators do not know who the ballots is from. (18.16)

Chairman Davison: Any in opposition?

Erica Johnsrud, Auditor/Treasurer for McKenzie County.: I am opposed to this bill. (see att# 3) We had 14 ballots rejected by the canvassing board for signature issues. Our job as administrators is not to verify signatures. That is for our election day boards. We have one board that does all ballots because we are a vote by mail county. (20.52) We don't like this bill pushing responsibility to auditor. Add a statement to the ballot application and signature envelope that says 'your signature will be compared before your ballots is cast'. Most people don't know that their signatures are compared. (24.21) Any questions?

Sen. Shawn Vedaa: When you mark an 'X', who is the disinterested person? Do they have to be the same person on both?

Erica: We have never had that happen. Sometimes we have an 'X' and it is the spouse that signs. I would hope it is the same person. Some have a signature on a stamp.

Sen. Shawn Vedaa: I would think that the spouse in an interested person.

Erica: In my house, we do not vote the same. Someone in my office could sign.

Sen. Erin Oban: I am guessing; I would be a very interested person in my district to know how they are voting. If 'X' is were coming with my signature on them, I would be an interested individual and hope they would not allow that. Is it burdensome if this bill passed? You can't force a voter to do anything. What is a better way?

Erica: It would be more work for us. We had 1648 cast by mail or absentee. There were 95,000 absentee cast in the state this election.

Sen. Erin Oban: You said that the election board determined the 14 ballots did not match. Do you do a spot check when they come in. Flag right away?

Erica: No, we do not do that. We make no decisions.

Sen. Shawn Vedaa: Does that disinterested person need to match on both application and envelope?

Erica: I have not had that happen so cannot answer. Maybe Sec. of State can answer.

Carol Two Eagles: I drive twenty miles to get the mail. I do not do it very often. If you are going to notify me by mail that there is a problem, I may not get it until after the election. There should be other means like text or e-mail. Page 2, line 12, it says in good faith. Can you define exactly, please? (30.48)

Donnell Preskey, N.D. Assoc. of Counties, and Pres. of Auditors: I am passing around a letter from Cass County Auditor, Michael Montplaisir. He could not be here because of the weather. (see att# 4) We think it would be great to put a line telling voter that their signatures will be compared before the ballots will be accept. This makes the voter responsible. This was discussed at the auditors meeting last week. What is our real intent? I did a survey of our counties. I had 48 of the 53 counties that responded. They had 90,334 absentee ballots from the 48 counties. We asked how many ballots with signature issues, were taken to the canvassing board. That answer was 576 ballots. That is .06 %. We asked how many ballots were rejected by canvassing board for signature issues. That was 336 ballots which is .037%. Think about the volume that counties are going through. 96,896 absentee ballots were returned during that 2018 election. 155,309 ballots were cast before election day. That is 30% of our voters. I did witness that work load. Any questions?

Sen. Kristin Roers: In some places the auditor is not doing the verification, but the board. Would changing the language from the auditor or board will compare be a middle ground?

Donnell: That would be better answered by Jim. (37.18)

Jim Silrum, Deputy Sec. of State: If we had a statement like was suggested, I think that would be a great option to add. Our application form you saw from Sen. Oban, comes directly out of law. We would have to add that to application, your amendment adds the application form into your bill. You are asking that a line adding an e-mail address be added.

Sen. Erin Oban: In my discussions with SOS, if we were to amend, that is how they could rearrange it. Any changes to the application, we dictate in law. (40.25)

Chairman Davison: I am still learning what legislators have power over and what SOS has power over. (40.46)

Sen. Shawn Vadaa: I have to know. The 'X' and disinterested with the disinterested individual. Do they have to match in both?

Jim: John Arnold and I were talking about this. There is nothing in this section that states it must be the same person in both. Nor does it define what is a disinterested person in this section. Because there are definitions in other section of election law, as when a voter comes into polling place and has someone with to help them mark choices. It is limited to who is on the ballot or union boss or employer. An auditor could not determine if that person was disinterested. An 'X' is for a person who does not have the ability to write at all. It is assumed that the disinterested person is not voting the ballot for them.

Sen. Shawn Vadaa: So if you put an 'X' on both application and envelope, you would have to count it?

Jim: Yes, provided there are signatures that go along with the 'X'.

Chairman Davison: Any more testimony? The hearing is closed. (44.33)

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB2356
2/18/2019
32870

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to signature discrepancies on absent & mail voters' applications & ballots.

Minutes:

Att # 1 – Sen Oban

Chairman Davison: Call to order and call roll. Attendance was taken and all were present. Is there an amendment?

Sen. Erin Oban: You will remember that this was about the process of receiving absentee ballots. There probably was not enough time to figure out what would work or not work. I thought this was reasonable, but I don't want to push something into law. I still think my idea was best for voters. I hope that through an interim study, we can come to a good workable process to inform voters of their status dealing with absentee ballots. (2.30) Every valid ballots should be counted. The amendment would simply to become a legislative study.

Sen. Erin Oban: I move amendment 19.0450.02003. **Sen. Kristin Roers:** I second.

Chairman Davison: I totally agree. I want every vote counted. I appreciate you bringing that forward.

Sen. Erin Oban: I don't want anyone to think I don't think auditors and election boards are not doing a great job. Canvas board try to often give the benefit of doubt to voters. There is inconsistencies across the counties.

Chairman Davison: Call the roll: **YES -- 7 NO -- 0 -0-absent. Amendment passed.**

Chairman Davison: We have SB2356 as amended.

Sen. Erin Oban: I move a DO PASS as AMENDED. **Sen. Kristin Roers:** I second.

Chairman Davison: Any discussion. Take roll: **YES -- 7 NO -- 0 -0- absent DO PASS as AMENDED – passed. Sen. Erin Oban will carry the bill.**

(Done 5.19)

SK
2/18
1001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2356

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding absentee voting and voting by mail."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOTING PROCESSES.

During the 2019-20 interim, the legislative management shall consider studying processes for absentee voting and voting by mail. The study must include signature verification processes, delivery and return of ballots, communications and notifications to voters regarding the status of their ballots, accommodations for individuals with disabilities, and related issues and procedures. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

2-18-19

Date:
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES SB 2354
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 19.0450.02003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Sen. Oban Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Amend. passed

2-18-19

Date:
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES SB 2354
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 19.0450.02003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Sen. Oban Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Sen. Oban	/	
Vice Chair Meyer	/		Sen. Marcellais	/	
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 7 No -0-

Absent -0-

Floor Assignment Sen. Oban

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2356: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding absentee voting and voting by mail.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOTING PROCESSES.

During the 2019-20 interim, the legislative management shall consider studying processes for absentee voting and voting by mail. The study must include signature verification processes, delivery and return of ballots, communications and notifications to voters regarding the status of their ballots, accommodations for individuals with disabilities, and related issues and procedures. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2356

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2356
3/14/2019
33769

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

To provide for a legislative management study regarding absentee voting and voting by mail

Minutes:

Attachment 1

Chairman Kasper opened the hearing on SB 2356. Vice Chair Steiner had to take over.

Senator Erin Oban appeared. Attachment 1. (:06-6:04)

Rep. B. Koppelman: Let's say they made a mistake on their ballot that made their vote for some office likely to be rejected. Would this be studying whether or not you could contact them and say they have a problem like that?

Senator Oban: No. This process does not allow for that ballot to even be pulled out.

Rep. Schauer: Is this specifically on the signature?

Senator Oban: That is where the bill came from, that signature verification process.

Rep. Schneider: Have you any knowledge of other states doing this? I know Minnesota does.

Senator Oban: I don't know.

Rep. C. Johnson: We might be already doing something like this in Bottineau County. I get notification when my ballot has been accepted from our county auditor.

Senator Oban: That is great.

Rep. Karls: I was at that canvassing board. There were at least five other people who had been notified that there was a discrepancy with their absentee ballot. They went to an attorney and got an affidavit saying I was the one who voted that ballot and turned it in even if my signatures didn't look the same. The envelope is manila. They signed in pencil. It made it extremely difficult.

Senator Oban: I understand that they only were made aware through massive effort by somebody who was involved in the process, as an attorney within Burleigh County's election process. It is my understanding he requested over and over again to get an open records request of the ballots that had been received and put aside as what is called in suspense so those voters could be made aware. There is no process that says an auditor has to do that. The Burleigh County auditor doesn't want to be accused of giving one voter more access to that information than another in case it would ever be misconstrued as saying I want that voter's ballot counted but not another voter. This is why detailed steps should be provided.

Jim Silrum, Deputy Director, Secretary of State's Office, appeared in support. Our office stands in support of a study on this.

Vice Chair Steiner closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2356
3/15/2019
33825

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for a legislative management study regarding absentee voting and voting by mail

Minutes:

Chairman Kasper opened the meeting on SB 2356.

Rep. P. Anderson made a motion for a **DO PASS**.

Rep. Schauer seconded the motion.

Rep. Vetter: I think this study is needed about as we needed to study the fired employees' one. I am going no on this.

Rep. Schneider: I know this is done in other states, so I think a study would provide us with some helpful information and allow greater opportunities for folks' ballots to be counted.

Rep. B. Koppelman: I am a little concerned about where this study would go. I am concerned that the study is broader than the points that Senator Oban was citing as issues. I am leaning toward voting no on the study for that reason.

Rep. Schauer: I have voted absentee quite awhile, and the study shows we should get a hold of somebody because their signature was a little bit different. That would be nice to know ahead of time, so I think it is worthy of the study.

Rep. Vetter: Is this going to lead to some of the things they had in Florida too where they start calling people and asking how they vote?

Rep. C. Johnson: I think the political subdivisions have a pretty good handle on how to take care of their absentee ballots, and I would probably oppose the motion.

A roll call vote was taken. 6-7, 1 absent. Motion fails.

Rep. C. Johnson made a motion for a **DO NOT PASS**.

House Government and Veterans Affairs Committee

SB 2356

3/15/19

Page 2

Rep. Vetter seconded the motion.

A roll call vote was taken. 7-6, 1 absent. Motion carries.

Rep. C. Johnson will carry the bill.

Date: 3-15-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2356**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. P. Anderson Seconded By Rep. Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner		X	Rep. Mary Schneider	X	
Rep. Jeff Hoverson		X			
Rep. Craig Johnson		X			
Rep. Daniel Johnston		X			
Rep. Karen Karls	X				
Rep. Ben Koppelman		X			
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr		X			
Rep. Austen Schauer	X				
Rep. Steve Vetter		X			

Failed

Total (Yes) 6 No 7

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-15-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2356**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. C. Johnson Seconded By Rep. Vetter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper		X	Rep. Pamela Anderson		X
Vice Chair Vicky Steiner	X		Rep. Mary Schneider		X
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls		X			
Rep. Ben Koppelman	X				
Rep. Vernon Laning		X			
Rep. Scott Louser	A				
Rep. Karen Rohr	X				
Rep. Austen Schauer		X			
Rep. Steve Vetter	X				

Total (Yes) 17 No 6

Absent 1

Floor Assignment Rep. C. Johnson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2356, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2356 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2356



ABSENTEE/MAIL BALLOT APPLICATION
 SECRETARY OF STATE
 SFN 51468 (08-2015)

Sen Oban

SB 2356
 For Office Use Only
 Precinct Part *2-8-19*
 AH # *1*
 pg 1

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

- | | | | |
|--|-----------|--|---|
| <input type="checkbox"/> June (Primary) Election | OR | <input type="checkbox"/> All Statewide Elections
(only check if ballot delivery address will be the same for all elections) | <input type="checkbox"/> City Election |
| <input type="checkbox"/> November (General) Election | | | <input type="checkbox"/> School Election |
| | | | <input type="checkbox"/> Special Election |

Applicant Information: (ALL FIELDS REQUIRED)

Voter's Name		Date of Birth	Daytime Telephone Number		ID #
North Dakota ID Type Used: (check one)					
<input type="checkbox"/> Driver's License	<input type="checkbox"/> Non-driver's ID	<input type="checkbox"/> Long Term Care Certificate (include with application)	<input type="checkbox"/> Tribal ID		
<input type="checkbox"/> Passport or Military ID (only for voters outside the United States)			<input type="checkbox"/> Applicant Without ID*		
ID Number (required only if driver's license, non-driver's ID, tribal ID, passport or military ID is selected above) <i>email / phone</i>					
Residential Address		City	State	ZIP Code	
Ballot Delivery Address (if different from residential address)		City	State	ZIP Code	
I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.					
Signature (required)					Date

Applicant Unable to Sign:

If the applicant is unable to sign the applicant's name, the applicant shall mark or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<input type="checkbox"/> Voter's Mark	Printed Name of Person Making Mark or Voter's Signature Stamp
	Signature of "Witness to the Mark"

***Applicant Without ID:**

If the applicant does not possess or cannot secure an approved form of identification due to a disability with which the individual lives and which prevents the individual from traveling to obtain, another qualified elector of the state may attest that the applicant is a qualified elector of that precinct by signing below and providing his or her approved North Dakota identification number. **NOTE:** A qualified elector may not attest the qualifications of more than four applicants in an election.

Printed Name of Attester		Driver's / Non-driver's / Tribal ID Number
Signature of Attester	Date	Daytime Telephone Number

Active Military and Overseas Voter:

Check **ONE** (if applicable):

Citizen living outside of the United States

Uniformed service or family member living away from the voter's residence, yet **within** the United States

Uniformed service or family member living away from the voter's residence, yet **outside** the United States

If one of the check boxes above applies to you, please indicate your preferred ballot delivery method:

Mail Email (provide email address): _____ Fax (provide fax number): _____

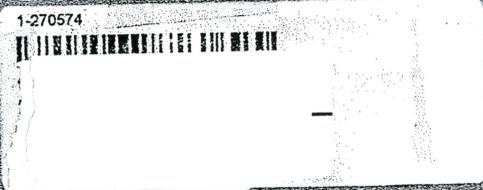
Mail or Submit to the Auditor of Your County of Residence or Appropriate Election Officer

STATE OF NORTH DAKOTA

County of Burleigh

} ss.

VOTER AFFIDAVIT



Place Label Here

Name _____

Residence _____

City _____

ND Zip Code _____

Under penalty of possible criminal prosecution for making a false statement, I swear that I reside at the residential address provided above, that I have resided in my precinct for at least thirty days next preceding the election, and this is the only ballot I will cast in this election.

Voter Signature 

OR*



Voter's Name _____

Date Oct 9 20 18

Witness to the Mark _____

*If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the statement in the presence of a disinterested individual. The disinterested individual shall print the name of the person marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

INSTRUCTIONS: SEAL THE BALLOT IN THIS ENVELOPE - fill out the affidavit - sign it and return to County Auditor

AFFIX PROPER POSTAGE

SW 2350
2-8-19
A1
A1
A1

SB 2356 - Sen. Erin Oban

SB 2356
2-8-19
A# 2
pg 1

Absentee Ballot
(in envelope)

Mailed to
County
Auditor

Auditor/Designee reviews & matches
with absentee ballot application,
ballot is "checked in"

Signatures do not
match - ballot marked
as "in suspense"

Signatures
matches - ballot
marked as
"accepted"

Auditor contacts voter via:

- Letter (if >7 days before election)
- Phone (if ≤7 days before election)
- *Email (if amended)

Voter
can

Filed together w/ all other
absentee ballots to be
delivered to precinct polling
location (or a special absentee
precinct in some counties)
Election Board

Discrepancy resolved

Discrepancy unresolved
*ballot noted with
discrepancy

Appeal to
Auditor

Appeal to
Canvassing
Board

No more than 1 day before Election Day, ballot envelopes/applications are reviews, ballots are opened & counted; election board may resolve any remaining discrepancies or send to Canvassing Board

Canvassing Board makes final determination to accept or reject, certifies election results

make copy

SB 2356
2-8-19
AH #3
pg 1

Written Testimony for the
Senate Government & Veterans Affairs Committee
February 8, 2019
Erica Johnsrud, McKenzie County Auditor/Treasurer

RE: OPPOSITION to Senate Bill 2356 – Verification of Signatures on Absentee/Mail Voters' Applications and Ballots

Good morning Chairman Davison and members of the Committee. My name is Erica Johnsrud and I am the Auditor/Treasurer for McKenzie County. Thank you for the opportunity to provide testimony in opposition of Senate Bill 2356. I have had the privilege of working through 3 election cycles over the past 6 years and hope to provide the committee with some clarity on the current process of signature verifications performed between absentee/mail applications and ballot affidavit envelopes, which SB 2356 addresses.

Over 35 counties in North Dakota currently operate elections using a Vote By Mail method and all 53 counties issue absentee ballots. One-third (1/3) of all ballots cast statewide in the 2018 General Election were cast using absentee/mail ballots. In McKenzie County, a Vote by Mail County, 1,648 ballots (39%) were cast and tabulated using absentee or mail ballot methods. An additional 14 ballots returned before Election Day were rejected by the Election Day Board and the same 14 were rejected by the Canvass Board due to signature-related issues. The issues included non-matching signatures or missing signatures. Attached are six (6) examples of real signatures that were determined by at least two (2) members of the Election Day Board and all members of the Canvass Board as non-verified, meaning the signature on the application and the signature on the ballot affidavit envelope were more than likely signed by different people.

SB 2356 shifts the responsibility of signature verification from the Election Day boards and moves it to the election official. SB 2356 tasks election official with administering the election, making final decisions about signatures, and contacting voters by phone or mail about discrepancies. SB 2356 removes the signature verification from the Election Day and Canvass Boards, composed of multiple individuals, and places that responsibly with a single individual. Currently county auditors, the election official in each county, already attempt to reach out to voters who have forgotten to sign their ballot envelope with moderate success. Many voters are unable to return to the county courthouses to correct any possible problems due to being on vacation, away for work, short timelines, due to disability, or other reasons, and mail is not always the best solution.

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2-8-19
AH #3
pg 2

County auditors recall the 2016 General Election where affidavits were allowed under a federal injunction and which required postcard verification for affidavit voters following the election. McKenzie County had a small volume (346) of these postcard verifications compared with other more populated counties, and yet the process was still difficult at best. Even though we identified ourselves as representatives of the Auditor's Office, voters were apprehensive to answer questions over the phone and only 37% of the postcards mailed in McKenzie County elicited a voter response. Thankfully postcard verifications are no longer a part of the election process, but the issues highlighted through that process help to illustrate problems that may arise with SB 2356. While only 14 votes in the McKenzie County 2018 General Election were ultimately identified with signature issues and 14 ballots alone would not cause a lot of extra work leading up to the election, remember that these 14 ballots were found within a total of 1,648, of which all would have to had a signature verification made prior to Election Day. While 1,648 ballots may not represent a large volume, there was a total of 96,896 absentee or mail ballots cast statewide in the 2018 General Election, all of which would have needed a signature verification by the same officials charged with administration of elections.

SB 2356 has good intentions, one of which is to make sure every vote cast is a vote tabulated, which is essential to successful elections and the establishment of voter trust. Most voters likely do not realize that NDCC 16.1-07-09 currently requires signature comparisons, which is very evident when training new election workers, many of whom have no idea signature verification occurs prior to tabulation of absentee/mail ballots.

There is an alternative way to address and solve this problem, which has the support of county auditors. A simple statement notifying the voter that signature verification will be taking place prior to ballot being tabulated, on both the absent/mail ballot application AND on the ballot affidavit near where the voter signs, would be more effective and retain the decision of signature verification with the Election Day and Canvass Boards.

Without a doubt, every vote legally cast during an election should be tabulated on Election Day. Making voters aware and responsible for their signatures may possibly reduce the number of rejected ballots. I urge this committee to recommend a DO NOT PASS for SB 2356 and instead urge the Secretary of State and his Office to work towards the addition of a statement, as described above, on the applications and ballot affidavit envelope.

SB 2356
2-8-19
AH 3
Pg 3

Complete, Print, Sign, and Mail



ABSENTEE/MAIL BALLOT APPLICATION
SECRETARY OF STATE
SFN 51468 (08-2015)

1-283036

09 - BALLOT: 39-09 Ideal/Schafer
GREGGORY GEORGE TANK
109 BAYWATCH LN
WATFORD CITY, ND 58854-7802

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

June (Primary) Election

November (General) Election

OR

All Statewide Elections
(only check if ballot delivery
address will be the same for
all elections)

City Election

School Election

Special Election

Applicant Information: (ALL FIELDS REQUIRED)

DOB.

Greggory George Tank [Redacted]

North Dakota ID Type Used: (check one)

Driver's License

Non-driver's ID

Long Term Care Certificate
(include with application)

Tribal ID

Passport or Military ID (only for voters outside the United States)

Applicant Without ID*

[Redacted]

109 Baywatch Lane Watford City ND 58854

I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.

Signature (required)

Greggory George Tank

9/25/18

Applicant Unable to Sign:

If the applicant is unable to sign the applicant's name, the applicant shall mark or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

Voter's Mark
Signature of "Witness to the Mark"

***Applicant Without ID:**

VOTER AFFIDAVIT

Under penalty of possible criminal prosecution for making a false statement, I swear that I am a U.S. citizen, a ND resident and have resided in my precinct for thirty (30) days preceding this election, and this is the ONLY ballot I will cast in this election.

1-283036

09 - BALLOT: 39-09 Ideal/Schafer
GREGGORY GEORGE TANK
109 BAYWATCH LN
WATFORD CITY, ND 58854-7802

Voter Signature *Greggory George Tank*

Voter's Name

Date: 9/29/18 20 18

Witness to the Mark

*If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor

NDRE

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ABSENTEE/MAIL BALLOT APPLICATION
SECRETARY OF STATE
SFN 51468 (08-2015)

1-354238

12 - BALLOT 39-12 Blue Buttes
DYLAN GRANT GJOVIK
2043 108TH AVE NW
WATFORD CITY, ND 58854-9508

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

- | | | | |
|---|-----------|--|---|
| <input type="checkbox"/> June (Primary) Election | OR | <input type="checkbox"/> All Statewide Elections
(only check if ballot delivery address will be the same for all elections) | <input type="checkbox"/> City Election |
| <input checked="" type="checkbox"/> November (General) Election | | <input type="checkbox"/> School Election | <input type="checkbox"/> Special Election |

Applicant Information: (ALL FIELDS REQUIRED)

Voter's Name <u>Dylan Gjovik</u>	Date of Birth [REDACTED]	Daytime Telephone Number <u>218-464-8764</u>
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North Dakota ID Type Used: (check one)

<input checked="" type="checkbox"/> Driver's License	<input type="checkbox"/> Non-driver's ID	<input type="checkbox"/> Long Term Care Certificate (include with application)	<input type="checkbox"/> Tribal ID
<input type="checkbox"/> Passport or Military ID (only for voters outside the United States)	<input type="checkbox"/> Applicant Without ID*		

ID Number (required only if driver's license, non-driver's ID, tribal ID, passport or military ID is selected above)

Residential Address <u>2043 108th AVE NW</u>	City <u>Watford City</u>	State <u>ND</u>	ZIP Code <u>58854</u>
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Ballot Delivery Address (if different from residential address) <u>2043 108th AVE NW</u>	City <u>Watford City</u>	State <u>ND</u>	ZIP Code <u>58854</u>
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I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.

Signature (required) <u>[Signature]</u>	Date <u>10-20-18</u>
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Applicant Unable to Sign:

If the applicant is unable to sign the applicant's name, the applicant shall mark or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<input type="checkbox"/>	Printed Name of Person Making Mark or Voter's Signature Stamp
Voter's Mark	Signature of "Witness to the Mark"

***Applicant Without ID:**

If the applicant does not possess or cannot secure an approved form of identification due to a disability with which the individual lives and which prevents the individual from traveling to obtain, another qualified elector of the state may attest that the applicant is a qualified elector of that precinct by signing below and providing his or her approved North Dakota identification number. **NOTE:** A qualified elector may not

Print Sign Act Che If or	<p>VOTER AFFIDAVIT</p> <p>Under penalty of possible criminal prosecution for making a false statement, I swear that I am a U.S. citizen, a ND resident and have resided in my precinct for thirty (30) days preceding this election, and this is the ONLY ballot I will cast in this election.</p> <p>Voter Signature <u>[Signature]</u> OR* <input type="checkbox"/></p> <p>Date: <u>11-01</u> 20 <u>18</u></p> <p style="text-align: right;">_____ Voter's Name</p> <p style="text-align: right;">_____ Witness to the Mark</p> <p><i>"If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."</i></p> <p>Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor</p> <p>NDRE</p>	<p>1-354238</p> <p>12 - BALLOT 39-12 Blue Buttes DYLAN GRANT GJOVIK 2043 108TH AVE NW WATFORD CITY, ND 58854-9508</p>
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ABSENTEE/MAIL BALLOT APPLICATION
 SECRETARY OF STATE
 SFN 51468 (08-2015)

1-276670

09 - BALLOT 39-09 Ideal/Schafer
 CURTIS JEFFREY SAMUELSON
 1208 10TH ST SW
 WATFORD CITY ND 58854-6815

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 pg 5

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

<input checked="" type="checkbox"/> June (Primary) Election	OR	<input checked="" type="checkbox"/> All Statewide Elections (only check if ballot delivery address will be the same for all elections)	<input checked="" type="checkbox"/> City Election
<input checked="" type="checkbox"/> November (General) Election		<input type="checkbox"/> Long Term Care Certificate (include with application)	<input checked="" type="checkbox"/> School Election <input checked="" type="checkbox"/> Special Election

Applicant Information: (ALL FIELDS REQUIRED)

Voter's Name <i>Curtis Samuelson</i>		Date of Birth [REDACTED]	Daytime Telephone Number <i>701-444-2242</i>	
North Dakota ID Type Used: (check one)				
<input checked="" type="checkbox"/> Driver's License	<input type="checkbox"/> Non-driver's ID	<input type="checkbox"/> Long Term Care Certificate (include with application)	<input type="checkbox"/> Tribal ID	<input type="checkbox"/> Applicant Without ID*
<input type="checkbox"/> Passport or Military ID (only for voters outside the United States)				
ID Number (required only if driver's license, non-driver's ID, tribal ID, passport or military ID is selected above) [REDACTED]				
Residential Address <i>1208 10th St SW</i>		City <i>Watford City</i>	State <i>ND</i>	ZIP Code <i>58854</i>
Ballot Delivery Address (if different from residential address)		City	State	ZIP Code

I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.

Signature (required) *[Signature]* Date *5-7-18*

Applicant Unable to Sign:

If the applicant is unable to sign the applicant's name, the applicant shall mark [X] or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<input type="checkbox"/>	Printed Name of Person Making Mark or Voter's Signature Stamp
Voter's Mark	Signature of "Witness to the Mark"

***Applicant Without ID:**

If the applicant does not possess or cannot secure an approved form of identification due to a disability with which the individual lives and which prevents the individual from traveling to obtain, another qualified elector of the state may attest that the applicant is a qualified elector of that precinct by signing below and providing his or her approved North Dakota identification number. **NOTE:** A qualified elector may not

VOTER AFFIDAVIT

Under penalty of possible criminal prosecution for making a false statement, I swear that I am a U.S. citizen, a ND resident and have resided in my precinct for thirty (30) days preceding this election, and this is the ONLY ballot I will cast in this election.

1-276670

09 - BALLOT 39-09 Ideal/Schafer
 CURTIS JEFFREY SAMUELSON
 1208 10TH ST SW
 WATFORD CITY, ND 58854-6815

Voter Signature *Curtis Samuelson* OR _____ Voter's Name
 Date: *5-8-18* 20 *18* _____

 Witness to the Mark

"If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor

SB 2354

2-8-19
AH #3
Pg 4

COMPLETE, PRINT, SIGN, AND MAIL



ABSENTEE/MAIL BALLOT APPLICATION
SECRETARY OF STATE
SFN 51468 (08-2015)

1-329413

08 - BALLOT 39-08 Rhoades
LEANE MARIE RUSSELL
842 FLAT TOP RD
GRASSY BUTTE, ND 58634-9313

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

- | | | | |
|---|-----------|--|---|
| <input type="checkbox"/> June (Primary) Election | OR | <input checked="" type="checkbox"/> All Statewide Elections
<small>(Only check if ballot delivery address will be the same for all elections)</small> | <input type="checkbox"/> City Election |
| <input checked="" type="checkbox"/> November (General) Election | | <input type="checkbox"/> School Election | <input type="checkbox"/> Special Election |

Applicant Information: (ALL FIELDS REQUIRED)

Voter's Name <i>LeAnne Russe LL</i>		Date of Birth [REDACTED]	Daytime Telephone Number <i>(701) 586-3742</i>	
North Dakota ID Type Used: (check one)				
<input checked="" type="checkbox"/> Driver's License	<input type="checkbox"/> Non-driver's ID	<input type="checkbox"/> Long Term Care Certificate <small>(include with application)</small>	<input type="checkbox"/> Tribal ID	
<input type="checkbox"/> Passport or Military ID (only for voters outside the United States)			<input type="checkbox"/> Applicant Without ID*	
ID Number (required only if driver's license, non-driver's ID, tribal ID, passport or military ID is selected above) [REDACTED]				
Residential Address <i>843 Flat Top Road</i>		City <i>Grassy Butte</i>	State <i>ND</i>	ZIP Code <i>58634</i>
Ballot Delivery Address (if different from residential address)		City	State	ZIP Code

I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.

Signature (required)
LeAnne Russell Date *10-10-2018*

Applicant Unable to Sign:

If the applicant is unable to sign the applicant's name, the applicant shall mark or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<input type="checkbox"/>	Printed Name of Person Making Mark or Voter's Signature Stamp
Voter's Mark	Signature of "Witness to the Mark"

VOTER AFFIDAVIT

Under penalty of possible criminal prosecution for making a false statement, I swear that I am a U.S. citizen, a ND resident and have resided in my precinct for thirty (30) days preceding this election, and this is the ONLY ballot I will cast in this election.

1-329413

08 - BALLOT 39-08 Rhoades
LEANE MARIE RUSSELL
842 FLAT TOP RD
GRASSY BUTTE, ND 58634-9313

Voter Signature <i>LeAnne Russell</i>	OR*	[REDACTED]
Date: <i>10-28</i> 20 <i>18</i>	_____ Witness to the Mark	

"If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor

NDRE

SB 2356
2-8-19
AH #3
pg 7



ABSENTEE/MAIL BALLOT APPLICATION
SECRETARY OF STATE
SFN 51468 (08-2015)

1-348788
05 - BALLOT 39-05 Alexander
MICHAEL JOEL CARTER
221 RICHARD AVE W
ALEXANDER, ND

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections

<input type="checkbox"/> June (Primary) Election	OR	<input type="checkbox"/> All Statewide Elections <small>(only check if ballot delivery address will be the same for all elections)</small>	<input type="checkbox"/> City Election
<input checked="" type="checkbox"/> November (General) Election		<input type="checkbox"/> Tribal ID	<input type="checkbox"/> School Election
			<input type="checkbox"/> Applicant Without ID*

Applicant Information: (ALL FIELDS REQUIRED)

Voter's Name <u>Michael Carter</u>		Date of Birth [REDACTED]	Daytime Telephone Number <u>603-726-1287</u>	
North Dakota ID Type Used: (check one)				
<input checked="" type="checkbox"/> Driver's License	<input type="checkbox"/> Non-driver's ID	<input type="checkbox"/> Long Term Care Certificate <small>(include with application)</small>	<input type="checkbox"/> Tribal ID	
<input type="checkbox"/> Passport or Military ID <small>(only for voters outside the United States)</small>			<input type="checkbox"/> Applicant Without ID*	
ID Number <small>(required only if driver's license, non-driver's ID, tribal ID, passport or military ID is selected above)</small> [REDACTED]				
Residential Address <u>221 Richard Ave. W</u>		City <u>Alexander</u>	State <u>ND</u>	ZIP Code <u>58831</u>
Ballot Delivery Address <small>(if different from residential address)</small> <u>P.O. Box 539</u>		City <u>Alexander</u>	State <u>ND</u>	ZIP Code <u>58831</u>
I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.				
Signature <small>(required)</small> <u>[Signature]</u>			Date <u>10-19-18</u>	

Applicant Unable to Sign:

If the applicant is unable to sign the applicant's name, the applicant shall mark or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<input type="checkbox"/>	Printed Name of Person Making Mark or Voter's Signature Stamp
<input type="checkbox"/>	Signature of "Witness to the Mark"

VOTER AFFIDAVIT

Under penalty of possible criminal prosecution for making a false statement, I swear that I am a U.S. citizen, a ND resident and have resided in my precinct for thirty (30) days preceding this election, and this is the ONLY ballot I will cast in this election.

1-348788
05 - BALLOT 39-05 Alexander
MICHAEL JOEL CARTER
221 RICHARD AVE W
ALEXANDER, ND

Voter Signature [Signature] OF _____ Voter's Name _____

Date: 10-29 20 18 _____
Witness to the Mark

"If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor

NDRE



ABSENTEE/MAIL BALLOT APPLICATION
 SECRETARY OF STATE
 SFN 51468 (08-2015)

1-277111

09 - BALLOT: 39-09 Ideal/Schafer
 MACKENNA DAWN LEISETH
 3163 129TH AVE NW
 ARNEGARD, ND 58835-9122

SB 2356
 2-8-19
 AH #3

pg 8

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

<input checked="" type="checkbox"/> June (Primary) Election	OR	<input checked="" type="checkbox"/> All Statewide Elections <small>(only check if ballot delivery address will be the same for all elections)</small>	<input checked="" type="checkbox"/> City Election
<input checked="" type="checkbox"/> November (General) Election		<input checked="" type="checkbox"/> School Election	<input checked="" type="checkbox"/> Special Election

Applicant Information: (ALL FIELDS REQUIRED)

Voter's Name MacKenna Dawn Leiseth		Date of Birth [REDACTED]	Daytime Telephone Number (701) 570-7148	
North Dakota ID Type Used (check one)				
<input checked="" type="checkbox"/> Driver's License	<input type="checkbox"/> Non-driver's ID	<input type="checkbox"/> Long Term Care Certificate <small>(include with application)</small>	<input type="checkbox"/> Tribal ID	
<input type="checkbox"/> Passport or Military ID <small>(only for voters outside the United States)</small>			<input type="checkbox"/> Applicant Without ID*	
ID Number <small>(required only if driver's license, non-driver's ID, tribal ID, passport or military ID is selected above)</small> [REDACTED]				
Residential Address 3163 129th Ave NW		City Arnegard	State ND	ZIP Code 58835
Ballot Delivery Address <small>(if different from residential address)</small>		City	State	ZIP Code
I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.				
Signature (required) <i>MacKenna Dawn Leiseth</i>			Date 5/9/2018	

Applicant Unable to Sign:

If the applicant is unable to sign the applicant's name, the applicant shall mark or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<input type="checkbox"/> Voter's Mark	Printed Name of Person Making Mark or Voter's Signature Stamp
	Signature of "Witness to the Mark"

VOTER AFFIDAVIT

Under penalty of possible criminal prosecution for making a false statement, I swear that I am a U.S. citizen, a ND resident and have resided in my precinct for thirty (30) days preceding this election, and this is the ONLY ballot I will cast in this election.

1 277111

09 - BALLOT: 39-09 Ideal/Schafer
 MACKENNA DAWN LEISETH
 3163 129TH AVE NW
 ARNEGARD, ND 58835-9122

Voter Signature *ML*

OR*

 Voter's Name

Date: 10/7/18

20

 Witness to the Mark

"If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor

NDRE

Written Testimony To
THE SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
Friday, February 8, 2019 by
Michael Montplaisir, Cass County Auditor
Cass County Government

oppose

*SB 2356
2-8-19
att # 4
jsl*

REGARDING SENATE BILL 2356

Chairman Davison and members of the Senate GVA Committee, I am Michael Montplaisir, Cass County Auditor and have been involved in running elections for thirty years. The number of absentee ballots has been increasing in recent years and SB 2356 attempts to solve a problem with the comparing of signatures on absentee applications and ballot envelopes.

In this last General Election, we had over 10,000 absentee ballots in Cass County. After review by our Absentee Precinct Board and our County Canvassing Board, only eight ballots were rejected because of signature problems. In the case of those eight ballots, the Canvassing Board felt that different people signed the application and the ballot envelope. Clearly, the system works, however improvement is always possible.

SB 2356 takes the responsibility of comparing signatures away from the politically established boards to the official running the election. The bill requires the election official to not only review the signatures and make a judgement call on validity of the signatures, but also contact the voter by phone or mail.

Election officials already try to contact voters by phone and mail if the ballot envelopes arrives without a signature with limited success. There are some instances where we can make contact but getting the signature is difficult because the voter may not be able to come in and sign the envelope because they are out of the area, or have disabilities that prevent them from coming to the Courthouse. Due to the short timelines, the mail is also not a good option. Putting the responsibility on the election official to make the determination of whether or not a ballot is counted takes away the ability of the politically appointed boards to review the signatures.

Having the politically appointed boards reviewing the signatures has advantages. First, there are more people reviewing the signatures and they have to come to a consensus regarding the signature. Second, the makeup of the boards being from a closer geographical area of the voter means it is more likely someone on the board will know the voter. Someone who knows the voter may be able to offer some insight as to why the signature should, or should not be accepted. This current process should not be abandoned.

There is an easier and more proactive approach to making sure the same person signs the application and the ballot envelope. Adding a statement above the signature line, in bold print, that the signature on the application and the signature on the ballot envelope will be compared before the ballot is accepted would be a better solution. Voters, while they sign many things in the normal course of life, probably do not realize that the two signatures will be compared before their ballot can be counted. Making voters responsible for their own signatures may result in fewer ballots being rejected.

Chairman Davison and member of the Senate GVA Committee, I urge you to vote no on Senate Bill 2356 and instead urge the Secretary of State's Office to add a line on both the application for absentee ballots and the ballot return envelope regarding the comparison of signatures.

SB 2356
2-18-19
AH #1
PSI

PROPOSED AMENDMENTS TO SENATE BILL NO. 2356

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding absentee voting and voting by mail."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. During the 2019-20 interim, the legislative management shall consider studying processes for absentee voting and voting by mail. The study must include signature verification processes, delivery and return of ballots, communications and notifications to voters regarding the status of their ballots, accommodations for individuals with disabilities, and related issues and procedures. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

#1
SB 2356
3-14-19

SB 2356 - Sen. Erin Oban

Absentee Ballot
(in envelope)

Mailed to
County
Auditor

Auditor/Designee reviews & matches
with absentee ballot application,
ballot is "checked in"

Signatures do not
match - ballot marked
as "in suspense"

Signatures
matches - ballot
marked as
"accepted"

Auditor contacts voter via:

- Letter (if >7 days before election)
- Phone (if ≤7 days before election)
- *Email (if amended)

Voter
can

Filed together w/ all other
absentee ballots to be
delivered to precinct polling
location (or a special absentee
precinct in some counties)
Election Board

Discrepancy resolved

Appeal to
Auditor

Appeal to
Canvassing
Board

Discrepancy unresolved
*ballot noted with
discrepancy

No more than 1 day before Election Day, ballot envelopes/applications are reviews, ballots are opened & counted; election board may resolve any remaining discrepancies or send to Canvassing Board

Canvassing Board makes final determination to accept or reject, certifies election results